IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 26TH JULY 2007 / 4TH SRAVANA 1929

Bail Appl..No. 4513 of 2007()

CRIME NO.407/07 OF CHALAKUDY POLICE STATION
CRMP.8296/2006 of J.M.F.C.,CHALAKUDY

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APPLICANT/ACCUSED

SHAJU,S/O.AUGUSTY,
PADAMADAN HOUSE,
PARIYARAM VILLAGE, ANTHRAPADAM.

BY ADV. SRI.P.VIJAYA BHANU
SRI.M.REVIKRISHNAN

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED
BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM,REPRESENTING S.I . OF POLICE,
CHALAKUDY.P.S.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 4513 of 2007

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Dated this the 26th day of July, 2007

O R D E R

Application for regular bail. The petitioner, a married man with children, is alleged to have kidnapped the victim, allegedly a girl aged about 17 years. They were allegedly in love and had gone away with the intention of getting married, it is alleged. The girl when she was found out by the police after commencement of the investigation asserted before the police that she had gone on her own with the petitioner. But later when she was brought to the court she asserted that she was taken away by the petitioner.

2. Be that as it may, it is not necessary to go into that question in any greater detail. The learned Prosecutor submits that the birth certificate of the girl reveals that the alleged victim was born on 4.5.1989 and therefore had crossed the rubicon of 18 years on 5.7.2007, the date of the alleged offence. I am satisfied, in these circumstances, that the petitioner can be enlarged on bail. Eventhough the petitioner in the bail application and the counsel in the submissions made before this court have not asserted that the

victim is beyond the age of 18 years, the learned Prosecutor, I note with appreciation, has fairly pointed out that the investigation reveals that the victim is beyond the age of 18 years.

3. In the result:

1) This application is allowed.

2) The petitioner shall be released on bail on the following terms and conditions.

(a) The petitioner shall execute a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to be satisfaction of the learned Magistrate.

(b) He shall make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so.

(R. BASANT)
Judge

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